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PATENT TRADEMARK OFFICE

Patent  
Case No.: 54913US108

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: CROOKS, STEPHEN L.

Application No.: 10/027,272

Group Art Unit: 1625

Filed: December 21, 2001

Examiner: Evelyn Mei Huang

Title: SULFONAMIDE AND SULFAMIDE SUBSTITUTED  
IMIDAZOQUINOLINES

FAX RECEIVED

FEB 28 2003

PETITIONS OFFICE

**REQUEST FOR RENEWED PETITION TO ACCEPT AN UNINTENTIONALLY  
DELAYED PRIORITY CLAIM UNDER 37 CFR 1.78(a)(3) AND 1.78(a)(6)**Commissioner for Patents  
Washington, DC 20231

CERTIFICATE OF TRANSMISSION	
To Fax No.:	
I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:	
February 28, 2003 Date	Amber M. Stance Signed by: Amber M. Stance

Dear Sir:

Applicants request that their petition for acceptance of an unintentionally delayed priority claim be renewed.

The petition, filed November 19, 2002, was dismissed for the reasons set forth in Paper No. 14 with a mailing date of February 10, 2003. The Examiner indicated that "the proper relationship, which includes the type of continuing application, is not stated" in the claim for benefit. Applicants have amended the claim for benefit in the above referenced application to clearly indicate the relationship of the applications shown in the priority claim under Cross Reference to Related Applications. A copy of the amendment, filed on the same day as this request, is attached.

The Examiner further indicated "that nonprovisional Application No. 10/166,321 lacks a common inventorship with the instant application and the other applications to which petitioner herein seeks priority". However, the first executed declaration for nonprovisional Application No. 10/166,321, which established the inventive entity, was filed on November 7, 2002. The

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inventors for 10/166,321 are Stephen L. Crooks and Bryon A Merrill. Thus, the instant application and the other applications to which applicants seek priority have common inventorship. A copy of the executed declaration for nonprovisional Application No. 10/166,321 and the returned post card showing receipt of the declaration by the Patent and Trademark Office on November 12, 2002 are attached.

Applicants respectfully request that the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) be granted.

The petition filed November 19, 2002, amended as requested by the Examiner, is reproduced below.

Applicants petition for acceptance of an unintentionally delayed priority claim. The entire delay between the date the claim was due under paragraph (a)(2)(ii) of section 1.78 of 37 CFR and the date the claim was filed with a grantable petition was unintentional.

The application to which priority is being claimed was filed as U.S. Provisional Application No. 60/298,768 on June 15, 2001 and converted to non-provisional on June 14, 2002. Our office received the Decision Granting Request To Convert To Non-Provisional on October 21, 2002. This document provided the necessary non-provisional application number, 10/166,321, to make the proper priority claim in that application. With that priority claim now properly made, the priority claim for the present patent application is as follows.

Pursuant to Title 35, United States Code, Sections 119(e) and 120, priority of the application for patent is hereby claimed. This is a continuation of U.S. Application No. 10/166,321, filed June 15, 2001, which is a continuation of U.S. Application No. 09/589,216, filed on June 7, 2000, now U.S. Patent No. 6,331,539 B1, which claims the benefit of Provisional Application No. 60/138,365, filed on June 10, 1999.

An amendment inserting the claim of priority in the specification has been filed at the same time as this petition.

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Please charge the petition fee provided for in 37 CFR 1.17(t) to Deposit Account No. 13-3723. Please also charge any additional fees or credit any overpayment to Deposit Account No. 13-3723.

Respectfully submitted,

28 FEBRUARY 2003  
Date

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